

Hillary Arrow Booth (SBN 125936)
hbooth@boothllp.com
Ian P. Culver (SBN 245106)
iculver@boothllp.com
BOOTH LLP
12100 Wilshire Blvd., Suite 800
Los Angeles, CA 90025
Telephone: (310) 641-1800
Facsimile: (310) 641-1818

Attorneys for Defendant
UPS GROUND FREIGHT, INC.
dba UPS FREIGHT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

INDEMNITY INSURANCE COMPANY OF
NORTH AMERICA, a corporation,

Plaintiff,

v.

UPS GROUND FREIGHT, INC. dba
UPS FREIGHT, a corporation,

Defendant.

Case No. 12-cv-06440-SI
Related Case: 13-cv-01088-SI

District Judge Susan Illston

**JOINT STIPULATION AND ~~[PROPOSED]~~
ORDER FOR TRANSFER**

[N.D. Cal. L.R. 3-14, 7-12]

Case Filed: December 20, 2012
Trial Date: None Set

Defendant UPS Ground Freight, Inc. dba UPS Freight (“Defendant”) and Plaintiff Indemnity Insurance Company of North America (“Plaintiff”) jointly and through their counsel stipulate as follows:

WHEREAS Defendant has moved for an order dismissing or transferring these actions, the hearing on such motion to take place on June 21, 2013;

WHEREAS Plaintiff has filed an opposition to the above-referenced motion;

1 **WHEREAS** Plaintiff contends there is a nexus with New Jersey because the
2 Plaintiff's subrogee, GE, is headquartered in New Jersey, and Defendant does not dispute that
3 contention;

4 **WHEREAS** in the interest of economy and the convenience of witnesses,
5 Plaintiff and Defendant now desire that the case be transferred to the United States District Court
6 for the District of New Jersey – Newark,

7 **THEREFORE** the parties stipulate as follows:

8 1. Case No. 12-cv-06440-SI and Related Case 13-cv-01088-SI are transferred from
9 the United States District Court for the Northern District of California to the United States District Court
10 for the District of New Jersey – Newark;

11 2. Defendant's motion to dismiss/transfer is hereby withdrawn, and Defendant agrees not to
12 contest venue in the United States District Court for the District of New Jersey – Newark;

13 3. The Clerk of the Court shall address and take the necessary actions pursuant to this Order
14 to effectuate the transfer of the entire case and case file in the matters entitled, Indemnity Insurance
15 Company of North America v. UPS Ground Freight, Inc. d/b/a UPS Freight, Civil Action No. 12-cv-6440
16 and the related case, Indemnity Ins. Co. v. UPS Ground Freight, Civil Action No. 13-cv-1088, from the
17 United States District Court for the Northern District of California to the United States District Court for
18 the District of New Jersey – Newark; and

19 4. All further proceedings in this case and the related case are vacated and, upon successful
20 transfer, such cases are closed.

21
22 **IT IS SO STIPULATED.**

23
24 DATED: June 7, 2013

BOOTH LLP

25
26 By: /s/ Hillary Arrow Booth

Hillary Arrow Booth

Ian P. Culver

Attorneys for Defendant

1
2 DATED: June 7, 2013

GIBSON ROBB & LINDH LLP

3
4 By: /s/ Joshua A. Southwick
5 G. Geoffrey Robb
6 Joshua A. Southwick
7 Attorneys for Plaintiff
8
9 Mr. Southwick has authorized this filing.

10 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**

11 DATED: 6/11/13



12
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28